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*** CORRECTED ***

	:	STATE OF NEW JERSEY
	:	
	:	FINAL ADMINISTRATIVE ACTION
	:	OF THE
	:	CIVIL SERVICE COMMISSION
	:	
In the Matter of H.T.L., Police Officer (S9999M), Atlantic City	:	
	:	
	:	
CSC Docket No. 2014-1101	:	Medical Review Panel Appeal
	:	

ISSUED: **DEC - 9 2014** (BS)

H.T.L., represented by James P. Swift, Esq., appeals her rejection as a Police Officer candidate by Atlantic City and its request to remove her name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on September 24, 2014, which rendered the attached report and recommendation on September 27, 2014. No exceptions were filed by the parties.

The report by the Medical Review Panel discusses all submitted evaluations. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicate that the candidate is mentally unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the applicant be removed from the eligible list.

CONCLUSION

The Class Specification for the title, Police Officer, is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the

job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that H.T.L. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that her name be removed from the subject eligible list.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 3RD DAY OF DECEMBER, 2014

Robert M. Czech

Robert M. Czech
Chairperson
Civil Service Commission

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and
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Attachment

c: H.T.L.
James P. Swift, Esq.
Donald A. Guardian
Kenneth Connolly

TO: State of New Jersey, Department of Personnel
Merit System Practices & Labor Relations

FROM: Medical Review Panel
(Angelica Diaz-Martinez, Psy.D., Evan Feibusch, M.D., Joel Friedman, Ph.D.)

RE: [REDACTED]

DATE: 9/24/2014

Identifying Information:

Ms. [REDACTED] is a 27-year-old applicant to the City of Atlantic City for the position of Police Officer. Her name was removed from the eligibility list of the hiring authority for the reason of being psychologically unfit for the position. The applicant was interviewed by Gary Glass, M.D. on behalf of the hiring authority, and by Edward Black, M.D. on behalf of the applicant. Ms. [REDACTED] was present at the meeting along with her attorney, James Swift. Dr. Glass and Anthony Swan were present on behalf of the hiring authority.

Documents Reviewed:

- Report, Gary Glass, M.D., 8/27/2013
- Report, Edward Black, M.D., 2/27/2014
- Orders 341-033, State of New Jersey Department of Military and Veteran's Affairs, 12/7/2010
- Departments of the Army and Air Force, National Guard Bureau, Report of Separation and Record of Service, undated

Findings of Previous Examiners:

Dr. Glass interviewed Ms. [REDACTED] and administered the Minnesota Multiphasic Personality Inventory – II (MMPI). Dr. Glass did not note significant findings on Ms. [REDACTED]'s mental status examination. He cited several incidents in her history that he saw as concerning. Ms. [REDACTED] had been sworn in to the New Jersey National Guard, but subsequently told her commanding officer that the recruiter had her "lie" on the application, indicating that her parents were American born. Subsequently, she was discharged from the National Guard. She did not know what type of discharge she had received. He also noted a 2006 temporary restraining order against her that had been instituted after she went to a former boyfriend's workplace to tell him not to bother her any longer. The restraining order never became permanent. He also noted concerns that she had expressed regarding dealing with rude and intoxicated people in her previous work as a poker dealer in Atlantic City. The MMPI was valid and raised the possibility of Borderline Personality Disorder, Narcissistic Personality Disorder, Cyclothymia, and Bipolar Disorder. Dr. Glass opined that he could not recommend Ms. [REDACTED] for the position.

Dr. Black also evaluated Ms. [REDACTED]. He did not have significant findings on his review of her mental status and history. He administered a rating scale for Attention Deficit Disorder and a screening inventory for substance abuse, both of which were unremarkable. Dr. Black did not comment on the issues that Dr. Glass had cited. He opined that Ms. [REDACTED] was well suited for training and performance as a Police Officer.

Ms. [REDACTED]'s Appearance Before the Panel:

Ms. [REDACTED] presented as a neatly dressed woman who appeared to be about her stated age. Her behavior during the MRP was unremarkable and she did not show signs of overt psychopathology such as psychosis or thought disorder. She answered the questions of the MRP in a cooperative manner.

Ms. [REDACTED] told the MRP that she was unaware that the National Guard recruiter had falsified her application until she told some friends that she had been sworn in and they questioned how her enlistment had occurred so quickly. She then learned that the application was incorrect and went to her commanding officer.

When asked about her thoughts on her statement regarding not liking dealing with rude and intoxicated people at the Borgata, she stated that this would be different as a Police Officer as she would be able to "discipline" them, and also make suggestions to them like going to Alcoholics Anonymous.

We also discussed her having terminated from a nail salon that she had worked at. She initially described herself as having worked "off the books," but then corrected that, saying that she had in fact payed income taxes.

Conclusion:

In Ms. [REDACTED]'s case, the evaluators on behalf of the applicant and the hiring authority reached differing conclusions and recommendations. Dr. Glass cited concerns about incidents that had occurred in Ms. [REDACTED]'s history, as well as psychological testing, in finding the applicant unfit. Dr. Black did not comment on the historical issues that Dr. Glass had cited. The mental status examinations from both evaluators were unremarkable.

The MRP had concerns about what had occurred surrounding Ms. [REDACTED]'s recruitment to the National Guard. As recently as 2010, Ms. [REDACTED] signed an important document that either was knowingly falsified, or not carefully reviewed. More recently, when this was discussed by Dr. Glass, she was unaware of the type of discharge she had received from the National Guard. Paperwork distributed at the MRP confirmed this to be an Unclassified Discharge. The type of discharge that one receives from the military is an important piece of personal history that one should be aware of. The incident leading to the temporary restraining order was also of some concern to the MRP. Regarding the psychological testing, although there are some cultural issues that might lead to interpretation problems in the testing, Ms. [REDACTED] has been living in the United States since the age of four, and all of her elementary and high school education were completed in the United States. We were not of the opinion that cultural issues would wholly invalidate the testing.

The MRP was of the opinion that the historical information suggested the possibilities of passivity and marginal judgment. The psychological testing, though not diagnostic, is consistent with some degree of interpersonal turmoil. Taking into consideration the evaluations of Drs. Glass and Black, Ms. [REDACTED]'s presentation, the psychological test results, and the behavioral record when viewed in light of the job specifications for Police Officer, it is our opinion that the applicant is not fit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld.

Recommendation:

It is the recommendation of the Panel that the candidate, [REDACTED], be removed from the eligibility list.



Evan L. Feibusch, M.D.
Diplomate of the American Board of
Psychiatry with Certification in the
Subspecialty of Forensic Psychiatry

9/27/2014

Date